

San Bernardino County settles lawsuit in jail beating death of Ontario man for \$1.5 million

By Joe Nelson, The Sun

Wednesday, November 16, 2016



San Bernardino County has settled for \$1.5 million a lawsuit filed by the parents of a developmentally disabled Ontario man beaten to death last year at West Valley Detention Center in Rancho Cucamonga.

The settlement, finalized Tuesday between the county and the parents of 19-year-old Rashad Davis Jr., is not an admission of guilt by the defendants: the county and sheriff's Capt. Jeff Rose, who oversees operations at the embattled jail, which has been subject to an [FBI and federal grand jury](#) investigation into allegations of inmate abuse for the last two and a half years.

"I am very pleased with the settlement," said Woodland Hills attorney Dale K. Galipo, who represented Davis' parents, Rashad Davis Sr. and Deandra Thomas, in the [lawsuit](#), filed in November in U.S. District Court in Riverside. "I think it was the right thing to do, and we're hoping that the (West Valley) Detention Center and the county will

take further action so this doesn't happen to somebody else's loved one."

Davis was [beaten to death](#) by Jeremiah Bell, 23, in the cell the two shared at the jail in May of last year, authorities said. Bell was in custody on suspicion of severely beating 54-year-old Rialto resident [Armando Barron](#) with a baseball bat because, according to police, Barron was not black. Barron subsequently died from his injuries.

Bell has been charged with first-degree murder in the deaths of Barron and Davis.

County spokesman David Wert declined to comment.

More to come.

URL: <http://www.sbsun.com/general-news/20161116/san-bernardino-county-settles-lawsuit-in-jail-beating-death-of-ontario-man-for-15-million>

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West Covina councilman addresses DUI, addiction as council confirms him as mayor pro tem

By Stephanie K. Baer, The San Gabriel Valley Tribune

Wednesday, November 16, 2016



West Covina Councilman Mike Spence fought back tears Tuesday night as he made his case for why he should become the next in line for mayor after being [charged earlier this year with driving under the influence of a drug](#).

“I’m a flawed guy. I know that. I have struggled with addiction since I was 12,” Spence told his colleagues and the public during the council’s annual leadership reorganization. “The one thing I do well is I fight for West Covina...I have not let my struggles with addiction compromise my ability to fight for taxpayers.”

Spence, 50, faces one count of DUI, a misdemeanor, in connection with [a solo car crash in June that landed him in the hospital with serious injuries](#). Although police have not said what the councilman was driving under the influence of, Spence has admitted to using methamphetamine and cocaine in the past.

He [pleaded not guilty](#) to the charge last month because at the time of his arraignment he had not seen the police and toxicology reports.

On Tuesday, outgoing Mayor James Toma made a motion to modify the council’s set rotation for mayor and mayor pro tem, saying that he did not believe it was appropriate for Spence to be confirmed as mayor pro tem while his DUI case was still pending.

“This is not personal. This is a matter of principle and it’s a matter of being in a position where our job is to create laws and in some cases to direct and supervise law enforcement to enforce the laws,” Toma said. “It’s important that we send a message to our community.”

Toma’s motion failed with a 2-2 vote, leaving the rotation in place with Spence becoming mayor pro tem for the next year. Spence abstained from the vote while Councilman Tony Wu and Mayor Pro Tem Corey Warshaw, who was immediately thereafter confirmed as mayor, voted no.

Spence, who faces surgery Wednesday morning, has previously said that he has no intentions of resigning from his position, but, upon prompting by Wu, he indicated on Tuesday night that if he breaks his sobriety again he would resign.

“Of course I’m trying not to use drugs or alcohol. If I do it again, obviously, I would probably resign because then I know... I can’t get a handle on it,” he said.

Unless the council decides to modify its rotation in the future, Spence will become mayor at the end of 2017 for a full year.

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MOUNTAIN HISTORY MUSEUM: Supervisors Approve Lease Extension

in [News](#), [Ticker](#) / by [Michael P. Neufeld](#) / on November 17, 2016 at 12:04 am /

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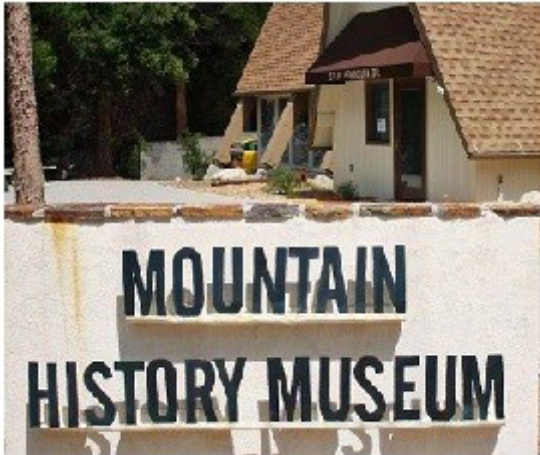
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The Rim of the World Historical Society’s Mountain History Museum in Lake Arrowhead has a “new” lease following action by the San Bernardino County Board of Supervisors. (File Photo)

By Michael P. Neufeld

Lake Arrowhead, CA – The Mountain History Museum in Lake Arrowhead — operated by the Rim of the World Historical Society — has a new lease following the unanimous approval of the San Bernardino County Board of Supervisors.



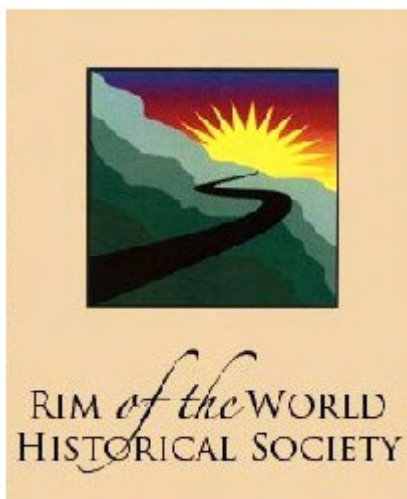
The Mountain History Museum is located at 27176 Peninsula Drive in Lake Arrowhead.
(File Photo)

The lease of the property at 27176 Peninsula Drive with the San Bernardino County Fire Protection District extends the current lease from January 1, 2017, to December 31, 2026. It also adds two five-year options to extend the term.

The historical society pays the county \$1 per year for a total of \$10 during the ten-year amendment.

THE PROPERTY

The former San Bernardino County Fire Station was originally leased to the society for the period January 1, 2007 through December 31, 2016.



The Rim of the World Historical Society provides improvements, custodial, maintenance, utilities and is required to have on file a Certificate of Liability Insurance.

Either party may terminate the lease with 90-days notice, according to documents provided to the supervisors by the Real Estate Services Department.

ADDITIONAL INFORMATION

Visit [MOUNTAIN HISTORY MUSEUM](#) online for additional information about the museum including days of operation and hours.

(22)



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Real Estate

Give big and be great: Guest commentary

By Patricia Nickols-Butler

Friday, November 11, 2016

Did you know that there are 583,108 children in poverty-stricken, food insecure households in San Bernardino County? That's 27.4 percent of our county's children living below the poverty line. Among all county residents, 19.0 percent live in poverty.

The effects of poverty and food insecurity for children are acute. Educators cite that these children are unable to concentrate, lack energy and motivation, have behavior problems and sickness, and ultimately poor academic performance.

These statistics should encourage anyone with access to a computer to take part in the biggest annual day of giving in our region: Give BIG San Bernardino County. This fundraiser is a 24-hour web-a-thon, from 12 a.m. the morning of Nov. 29 to midnight that evening, and is designed to raise the level of charitable giving within the county. The idea isn't to seek out major donors as much as individuals willing to give \$10, \$20 or whatever they can afford.

Understanding the need to increase charitable giving to our region, Community Action Partnership of San Bernardino County has chosen to participate in the Give BIG San Bernardino County campaign. The families and individuals we serve have extraordinary needs. CAPSBC and many other nonprofits provide food to the hungry, housing to homeless veterans and families, weatherization of homes, utility bill assistance and school supplies for children. In 2015, CAPSBC served more than 385,000 households with 10.8 million pounds of food valued at over \$18 million. The individuals that CAPSBC and other nonprofits serve are among the neediest in San Bernardino County.

Nonprofits such as ours exist to help stabilize families and give them a chance to move out of poverty and become productive members of our communities. But we can't do it alone. Please take the time to participate. The one-in-four children living in poverty need your support.

To make a donation, visit us at www.givebigsbcounty.org. Although contributions can be made before the web-a-thon, donors are encouraged to participate during the 24-hour period. Donations to the charity of choice can be made using a credit card on a secure site.

Patricia Nickols-Butler is president/chief executive officer of Community Action Partnership of San Bernardino County.

URL: <http://www.sbsun.com/opinion/20161111/give-big-and-be-great-guest-commentary>

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End of the road: Bear Valley construction project's major closures thought to be over

Wednesday

Posted Nov 16, 2016 at 4:04 PM

Updated Nov 16, 2016 at 4:04 PM

By **Shea Johnson**

Staff Writer

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VICTORVILLE — Bear Valley Road construction near the Mall of Victor Valley was winding down with striping activities Wednesday night that will spill into Thursday morning expected to cause the last major disruption to motorists.

The project, which began early last month, has focused on two main areas: Bear Valley Road from Mariposa Road to 300 feet west of Amargosa Road, and Amargosa Road from El Tio Pepe Mexican Restaurant to Applebee's on Restaurant Row.

Paving work was slated to be completed Wednesday afternoon. Striping on the roadways, crosswalks and at the right turn lane on Amargosa Road, meanwhile, was scheduled to begin 9 p.m. Wednesday and conclude 5 a.m. Thursday, city spokeswoman Sue Jones said.

The project had previously necessitated closures, including of Interstate 15 entrance and exit ramps, but Jones said that after striping is completed, there are no plans for any further major closures. It's a sign of good news for the swell of motorists anticipated to travel the area as holiday shopping kicks off.

Jones said that crews were on schedule for the entire project to be finished before Thanksgiving. Still on the to-do list is adding fiber optics into traffic signals at Amargosa and Mariposa roads and into the guard rail/hand rail at the

corner of El Tio Pepe Restaurant. But this work, projected for early next week, isn't expected to require a lane closure. If so, the closure will be "very minor."

In addition to repairing deteriorating sections of the roadway and upgrading traffic signals, crews installed ADA-compliant sidewalks, and fixed curbing in the project area. An extra lane was also added at the intersection of Amargosa and Bear Valley roads adjacent to El Tio Pepe, Jones said.

The previous configuration on southbound Amargosa had one dedicated left turn, one dedicated through lane and one lane that was a right-turn/through lane. Now, there are two dedicated left turns, according to Jones.

Shea Johnson can be reached at 760-955-5368 or SJohnson@VVDailyPress.com. Follow him on Twitter at [@DP_Shea](https://twitter.com/DP_Shea).

Santa Ana River sucker rescue saves hundreds of endangered fish

By Jim Steinberg, The Sun

Wednesday, November 16, 2016



COLTON >> What had once been a rapidly moving section of Santa Ana River was reduced to a pond with many fish.

Many of them were the [endangered Santa Ana sucker that were being forced into](#) a smaller and smaller area as even this pond began shrinking.

“I never thought this section would get so dry,” Dave Woelfel, an environmental scientist for the Santa Ana Regional Water Quality Control Board, said Wednesday.

Woelfel expected this deep portion of the Santa Ana River, just west of the Riverside Avenue bridge, to retain more water.

Woelfel was one of about 50 mostly volunteers working to save Santa Ana sucker and another native fish from a sudden and severe “drought” caused by the planned maintenance shutdown of a wastewater treatment plant upstream in Colton owned by the cities of San Bernardino and Colton.

In the morning, this group was “chaperoned” by three San Bernardino police officers on a four-wheel drive all-terrain vehicle and a Colton police officer in a four-wheel drive truck.

An armed California Department of Fish and Wildlife warden stayed with the group all day.

There were concerns about the potential for violence from the significant homeless population along the banks of the river as well as worries about the dogs of the homeless and wild dogs in the area, group participants said.

There were no incidents, however.

• **Video:** [Santa Ana River sucker rescue](#)

This 2-mile stretch of the Santa Ana River is where scientists believe 90 percent of the surviving Santa Ana sucker fish live.

Plans are underway to capture some of them, breed them and release their offspring into three or perhaps four sites in the San Bernardino Mountains.

Unless the Santa Ana sucker is returned to healthy populations, water agencies planning for the needs of more than 600,000 people between Yucaipa and Rialto will not be able to move forward with needed water recapture projects and wastewater recycling plants like the proposed \$128 million Sterling Natural Resource Center in Highland, which officials say will create 1,400 jobs.

Six teams were dispersed along a roughly 2-mile stretch of the Santa Ana River prior to the shutdown, at about 8 a.m., of the Rapid Infiltration and Extraction plant in Colton.

DROUGHT COMPLICATES RESCUES

Prior to the drought, water runoff and a higher water table would sustain the Santa Ana River flow during plant shutdowns, but no longer.

That change was first observed by U.S. Geological Survey team members in June 2014.

Now during shutdowns of more than an hour, segments of the river become dry, said Stacey Aldstadt, general manager for the San Bernardino Municipal Water Department, which operates the plant.

Wednesday's shutdown was scheduled to last four hours.

Starting in early 2015, there have been four rescue operations, organized by the U.S. Fish and Wildlife Service, for planned RIX plant shutdowns.

Wednesday's shutdown produced the least Santa Ana sucker casualties of any rescue where a portion of the Santa Ana River dried up, said Kai Palenscar, a biologist with the U.S. Fish and Wildlife Service, who organized the rescue.

Only seven bodies were found Wednesday, he said, where typically there have been 30 to 50, he said.

• Photos: [Rescuing the Santa Ana Sucker fish](#)

"We really dodged a bullet today," said Carl Demetropoulos, one of the volunteers and an environmental scientist with Aspen Environmental Group, a consulting firm based in Agoura Hills.

Earlier this year, U.S. Fish and Wildlife officials confirmed the agency had launched an investigation into Santa Ana sucker fish deaths downstream of the San Bernardino wastewater treatment plant.

Like many of the other shutdowns, Wednesday's was to clean aging ultraviolet lamps, which are used in the final treatment phase to kill bacteria and viruses before the cleanup wastewater is released into the Santa Ana River, Aldstadt said.

In an effort to reduce the number of planned and unplanned shutdowns at the RIX plant for ultraviolet light issues, the San Bernardino Valley Municipal Water District, a regional water wholesaler that is leading the effort to re-establish Santa Ana sucker fish populations, wired the San Bernardino water department \$1.2 million to replace more than 5,000 specialized bulbs.

Aldstadt said Wednesday that the lamp replacement should be accomplished at the end of this year.

And to replace the water to the river when the RIX plant needs to shut down for maintenance, San Bernardino hopes to retrofit three existing wells so they can be available for pumping onto the river in May 2017, Aldstadt said.

FAST FISH CATCHING

At station three, just west of the Riverside Avenue bridge, students from Pomona College and Cal State San Bernardino joined a U.S. Fish and Wildlife Service biologist and an experienced Santa Ana sucker fish rescue team from the Riverside-Corona Resource Conservation District.

The Riverside-Corona district was hired by San Bernardino to help rescue Santa Ana sucker fish during shutdowns. An off-road ATV owned by the agency transported rescuers to the six far-flung points along the Santa Ana River.

As a pond, at site three, got smaller and smaller, this diverse group captured fish with nets — and sometimes hands — placing them in five-gallon buckets with battery-powered aerators to keep them in oxygen for their short stay in containment.

The group closer to the Riverside Avenue bridge saved 148 Santa Ana sucker and 58 Arroyo chub, said Kerwin Russell, natural resources manger for the Riverside-Corona district.

Woelfel was with another group at a different pond that was once a river, where 103 of the federally endangered fish were saved.

The total results for the day were not immediately available, Russell said.

When the RIX plant resumed operations, shortly before 1 p.m., its outflow rushed across the dry streambeds, producing cloudy, mud-filled water that quickly cleared.

After the water cleared, the buckets were dumped, allowing the native fish to return to their environment.

URL: <http://www.sbsun.com/environment-and-nature/20161116/santa-ana-river-sucker-rescue-saves-hundreds-of-endangered-fish>

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God can wait: Upland council delays vote over display of ‘In God We Trust’

By Neil Nisperos, *Inland Valley Daily Bulletin*

Wednesday, November 16, 2016



UPLAND >> God will have to wait.

The Upland City Council considered Monday whether to place [the motto “In God We Trust”](#) above the city emblem in council chambers, but voted 4-1 to delay a decision.

A volunteer-based nonprofit had asked [outgoing Mayor Ray Musser](#) and Councilman Glenn Bozar to raise the issue. In God We Trust – America Inc. was started in 2002 to encourage the state’s elected officials to display the nation’s motto under the emblems of their respective cities.

While several people addressed the council in opposition Monday, the panel decided it would wait to receive more input.

Residents who oppose the idea say the motto is divisive and excludes people who either do not worship God or worship a Christian God.

“Upland doesn’t need to add religious alienation to our political climate,” resident and City Council candidate Janice Elliott said. Elliott [currently holds a slim lead over Sid Robinson](#) for the one open seat on the Nov. 8 ballot.

“It is time to build bridges within our community. I recommend that we hold a town hall meeting or get more citizen feedback so that a greater representation of Upland can express themselves on this topic,” Elliott said.

“To see a religious statement that is contrary to one’s beliefs causes discomfort, and it could undermine our attempts to put people at ease when participating in city government,” she added.

Resident Kelly Price also addressed the Upland council.

“If you put up ‘In God We Trust,’ especially with a capital G, we all know that we’re talking about Christian God,” Price said. “We’re not talking about Jewish God. We’re not talking about any of the other gods. We’re talking about the Christian God and when you have that up there, that excludes me. I’m a humanist. I’m not Christian. I’m not Jewish. I’m not any of the other religions that we welcome in this country.”

Musser said he supports the idea because it would be patriotic to do so, and cited similar adoption by 130 California cities and San Bernardino County. Musser, who offered to pay \$1,600 for the change, pointed out Congress [adopted the phrase as the nation’s motto in 1956](#).

“First of all it is not a God thing,” Musser said at the council meeting. “It is a patriotic symbol. It’s not about being offensive, it’s about being patriotic.” His was the one vote opposed to continuing the item. “I love my country. That’s what it’s about.”

Councilwoman Debbie Stone moved to continue the item to a future meeting “so we may receive some additional public comment on it before we vote,” she said, adding she would like more information before casting a vote.

“In a time when many are working to remove any acknowledgement of God from our public life, these words are legally sound, since they were officially adopted by Congress in 1956,” according to the mission statement of In God We Trust – America Inc. “The goal of this mission is to keep God’s name in America, and acknowledge and affirm the role that faith in God plays in the public lives of the citizens in this country, and in the core values of our nation.”

The Inland cities of Ontario, Chino, Highland and Victorville have voted to display the motto in their chambers.

The next Upland City Council meeting will be held Nov. 28, though when the motto item will return has not been determined yet, Musser said.

URL: <http://www.sbsun.com/government-and-politics/20161116/god-can-wait-upland-council-delays-vote-over-display-of-in-god-we-trust>

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Ontario-based Cardenas Markets has new owner, find out who bought it

By Neil Nisperos, *Inland Valley Daily Bulletin*

Tuesday, November 15, 2016



ONTARIO >> Ontario-based [Cardenas Markets](#) has been sold to a partnership of two investment firms, according to both parties.

New York's [KKR](#) and Chicago's Victory Park Capital, have also purchased the Mi Pueblo chain, which, like Cardenas, caters to a Hispanic market. It's based in San Jose and has locations throughout Southern California, including Perris, Santa Ana and Norwalk.

"KKR and Victory Park will be making investments in both Cardenas Markets and Mi Pueblo, along with the ownership of both businesses, including the Cardenas family," according to a statement from Cara Kleiman, a spokesperson for KKR.

"We are not disclosing financial details, but expect that these new investments will create positive momentum and allow us to better service their communities and valued customers, while also growing Mi Pueblo and Cardenas Markets, creating new jobs, and offering long and rewarding career paths for executives and employees," the statement says.

Cardenas has 33 stores operating throughout Southern California and the Las Vegas area. The company employs about 3,000 people.

With 19 stores, Mi Pueblo entered bankruptcy protection in 2013, [exiting the next year](#) with a \$56 million injection of financing from Victory Park Capital.

According to [industry publication The Shelby Report](#), the new owners will operate the two chains separately "for the time being."

"We are very excited about our new partnership with KKR global investments," Marco Robles, spokesman for Cardenas, said by phone. "This affords us a great opportunity to expand our reach in the grocery industry and into communities not presently served by Cardenas."

Robles said Cardenas plans to hire more employees because he said the company would be expanding under its new ownership.

Cardenas' headquarters are located near the intersection of Archibald Avenue and the 10 Freeway, where it also has its 470,000-square-foot distribution center, 2501 East Guasti Road.

One of two things could be happening with this purchase, retail and grocery store expert Craig Rosenblum, a partner with the consumer goods and retail consulting firm Willard Bishop, said. The question is whether this is a strategic financial play to allow KKR entry into the Hispanic supermarket business — or a real estate play "given the location of where their stores are today."

“There’s plenty of other Hispanic grocers, so what they’re going to need to do is figure out how to differentiate Mi Pueblo and Cardenas in the marketplace so shoppers want to shop their stores,” he said.

Rosenblum said the best in the sector is Anaheim-based Northgate González Markets, “with what they’ve been doing with remodels, food service and so on.”

Rosenblum is watching to see whether KKR is interested in acquiring other Hispanic markets in Southern California.

“Are they finished? Is this just the beginning,” Rosenblum asked. “Are there other potentials given the competitive nature of the market. ... There might potentially be others KKR is looking at.”

The first Cardenas Market opened in Ontario in 1981. Company expansion took off in the 1990s after the success of the company’s sixth store in Pomona, Robles said in a 2013 interview for an article about the passing of company founder Jesus Cardenas.

Robles said a key signature of the stores is the family atmosphere, and the themed architecture and decor of the supermarket’s interior.

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URL: <http://www.dailybulletin.com/business/20161115/ontario-based-cardenas-markets-has-new-owner-find-out-who-bought-it>

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In 66ers deal, former Mavs owner chides stark contrast he sees

Wednesday

Posted Nov 16, 2016 at 10:17 AM

Updated Nov 16, 2016 at 10:18 AM

By **Shea Johnson**

Staff Writer

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ADELANTO — Forty miles from here, a financially struggling city just approved a \$1 annual stadium lease with its minor league baseball team. San Bernardino officials say that the alternative of not having a club is more expensive.

In Adelanto, which isn't long removed from a fiscal emergency and has been forced to maneuver through budget deficits, city officials took a different route this year. They repealed a similar \$1-per-year stadium deal with the now-defunct High Desert Mavericks.

The agreement affording the team use of city-owned Stater Bros. Stadium, signed off in 2012 by a different-look council, was tantamount to a \$1.8 million subsidy over the deal's life and violated the state constitution, the city said.

After unsuccessfully trying to evict the club, the city was sued by Mavericks owner Main Street California and the team also later won a preliminary injunction against Adelanto, although both sides continue to seek damages in court.

The Nov. 7 agreement between San Bernardino and the Inland Empire 66ers is a sign of the stark contrast in which two jurisdictions within close proximity consider the value of semi-professional sports in their cities, according to Dave Heller, president of Main Street California.

"The San Bernardino lease with the baseball team shows two things in the clearest light," Heller said. "First, that a minor league baseball team has real value to a community and that is why the city of San Bernardino agreed to this lease arrangement.

"And second, it shows how utterly bankrupt the legal arguments that the city of Adelanto has been pursuing are."

In a statement Tuesday, Mayor Rich Kerr said, "we do not want to comment on any other city's decision." He previously said city officials were amenable to renegotiating a contract yet it soon became clear that a new deal wouldn't be achievable.

San Bernardino, a city creeping in on the end of bankruptcy, approved the stadium lease through 2026, a staff report shows, and vowed to spend up to \$2 million in 2010 bond proceeds for stadium capital improvements and maintenance.

While San Bernardino has recently appeared in court to deal with its final stages of bankruptcy, Adelanto is preparing to return March 30 for an arbitration status hearing in the matter with Main Street California.

The Mavericks ultimately folded after a championship season, a move by the California League to reduce its roster to eight teams. The friction between Adelanto and the Mavericks ownership was cited by League President Charlie Blaney as a factor in determining the team's fate. But the Mavericks also maintained the second-lowest attendance in the league in 2016.

In April, a Daily Press review of five other stadium agreements between California League teams and the cities in which they play found that no contract was as generous in terms of rent, although each appeared to vary on revenue-sharing and maintenance responsibilities. A cursory look at the San Bernardino and 66ers deal shows some inherent differences from the disputed Mavericks agreement, including that the 66ers are responsible for utilities while the city of Adelanto had shouldered the payment.

Legal activity notwithstanding, city officials have since moved beyond the Mavericks and are eyeing Stater Bros. Stadium as a year-around asset now, pointing to two years of a successful rodeo as a hopeful catalyst. The 28th

District Agricultural Association, a.k.a. San Bernardino County Fair, has been pegged to handle marketing and events at the facility, which officials say will be a further boon to local and regional entertainment.

"The 28th DAA staff has the expertise in the recruitment, production, management and operations of safe and successful events," Kerr said last month, "and we have every confidence that their staff will work diligently to bring quality events to our city."

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SNOW VALLEY: \$1 Million “Targeted Snowmaking” Investment

in [Business](#), [News](#), [Ticker](#) / by [Michael P. Neufeld](#) / on November 17, 2016 at 12:05 am /

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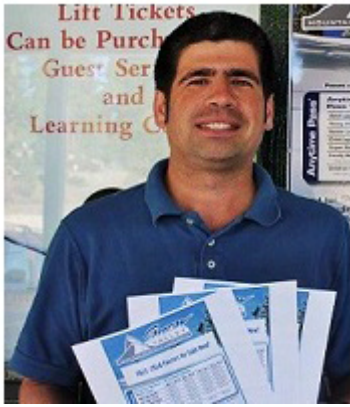
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Snow Valley Mountain Resort has invested \$1 million in “targeted snowmaking” operations to deliver the best snow coverage on the most popular runs and terrain park features. (Contributed Photo)

By [Michael P. Neufeld](#)

Running Springs, CA – Snow Valley Mountain Resort’s winter 2016-17 season promises to deliver the best snow coverage on the most popular runs and terrain park features thanks to a \$1 million investment in “targeted snowmaking” operations.



Kevin Somes (Photo by ROTWNEWS.com)

“We’ve added several portable snow guns,” Somes explained, “all of which will be strategically relocated throughout the snowmaking night to deliver the best ever snow coverage.”

EXPANDED ARSENAL

Somes went on to indicate that Southern California’s most experienced, expert snowmakers will now be working with an expanded arsenal of portable, fully-automated and computer-controlled SMI Super Polecats with SmartSnow™.

“These guns,” Somes emphasized, “will also produce more snow from less water and power.”

Each SMI Super Polecat has its own weather station for accurate measurement of conditions and remote-controlled microprocessor with customizable software to relay weather data to Snow Valley’s main pumphouse control room, which will then send the correct volume of water to each snow gun.



New portable snow guns will be relocated throughout the snowmaking night to deliver the best ever snow coverage. (Contributed Photo)

At a total cost of \$1 million, the new snowmaking enhancements for winter 2016-17 leverage Snow Valley’s winter 2015-16 investment in a re-engineered water-storage infrastructure and a new mile-long pipeline that maximizes water availability when temperature and humidity levels are optimal for snowmaking.

ADDITIONAL INFORMATION



“Snow Valley and the National Ski Areas Association continue to seek innovative ways of reducing the ski area’s carbon footprint while covering the slopes with even more snow,” Somes concluded.

For additional information — including 2016-17 season passes — visit [SNOW VALLEY MOUNTAIN RESORT](#) online.

(63)



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WEALTH & POVERTY



California counties stop charging fees for juvenile incarceration

By [Myles Bess](#)

November 15, 2016 | 2:38 PM

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Zoe Mathews was charged \$7000 after her now-deceased son was incarcerated in Solano County, Calif. - [Teresa Chin/Youth Radio](#)

When minors face criminal charges, their parents often face financial ones. That's true throughout the country.

In some California Counties for instance, it can cost as much as \$30 per-day for room and board for parents whose children are locked up inside juvenile hall. The bills don't stop

reported the story of Zoe Mathews. Her son had died, but she was still paying bills for the time he spent in juvenile hall. Mathews' son was locked up for 208 days at a cost of almost \$30 per day. Ultimately, she was charged more than \$7,000.

“It’s a constant reminder that, no, he’s not here anymore,” said Mathews. “By being incarcerated, you’re paying your debt back to society. So then they’re going to charge you an additional per-night stay as if there were some options? The bills are additional stress to already a very painful situation that I will be dealing with for the rest of my life.”

Attorney Kate Weisburd of The East Bay Community Law Center, said, “It almost felt like you were at the checkout line at Target. And you were getting this receipt for how much money you owed.”

Weisburd, who primarily represents young people in Alameda County, Calif., said teens and their families would end up with piles of bills they didn’t expect, and since the majority of her clients are low income, the impact was huge.



Attorney Kate Weisburd pushed Alameda County, Calif. to reconsider the policy of charging juvenile justice related fees parents. - [Myles Bess/Youth Radio](#)

The East Bay Community Law Center partnered with the law school at UC Berkeley to further investigate the fees. After filing multiple Freedom of Information Act Requests, Weisburd and her team learned how much money was being charged, and how much was actually being collected from young people and their families.

The collections costs were high. The county was paying salaries and benefits for multiple financial hearing officers to administer and collect the fees, but not a lot of money was coming in because the families who were being charged often couldn't afford to pay.

So Weisburd and her collaborators took their findings to county supervisors like Richard Valle.

“There was substantial amounts of damage being done to families because of those fees,” said Valle, “and the impact to our general fund, which is well over 2.5 billion dollars per-year, was minimal.”

Alameda County voted unanimously this summer to stop charging fees and forgive all past debt, and now other California counties are following suit, including Santa Clara County and most recently Contra Costa.

Supervisor Valle explained that juvenile justice fees were seen as a way for municipalities to recoup. “For a lot of governments across the country, there aren’t too many mechanisms or opportunities to make revenue, or create revenue for infrastructure. So this was a bonafide method that people felt had some merit,” explained Valle.



Alameda County Supervisor Richard Valle determined that juvenile justice fees were little help to the county’s bottom line and hurt families in the process. - [Chaz Hubbard/Youth Radio](#)

In August, The Juvenile Law Center, based in Philadelphia released a national survey called "Debtors’ Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System," which found that juvenile justice fines and fees are used in all 50 states.

especially large ones — were more likely to offend again after their time was done in the juvenile justice system.”

In other words, the effects of the fees ran counter to the mission of the juvenile justice system, which is all about rehabilitation. Given the new understanding of potential negative outcomes for youth, and the limited benefits to municipal coffers, some California legislators say they plan to propose new legislation in 2017, to ban these types of fees altogether for juveniles and their parents.

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U.S.

Los Angeles Builders Say New Affordable-Housing Rules Will Stifle Construction

Move is hailed by advocates, but developers say it could crimp home supply in already-tight market



Construction workers at a residential building being erected in downtown Los Angeles in April. New city regulations encourage more affordable housing. PHOTO: LUCY NICHOLSON/REUTERS

By **CHRIS KIRKHAM**

Nov. 17, 2016 11:00 a.m. ET

LOS ANGELES—This city became the latest major U.S. municipality to require that developers include affordable housing in new projects—a move hailed by advocates, but one builders say could crimp the supply of homes in the nation’s second-largest housing market.

Policy makers in cities around the U.S. are turning to so-called inclusionary zoning programs to ensure developers set aside housing units for residents who couldn’t otherwise afford to live there.

Nearly two-thirds of Los Angeles voters last week approved a citywide affordable-housing requirement for developers seeking to build projects of 10 or more units that need a zoning or height change.

The rule requires that up to 25% of units in rental properties and up to 40% in for-sale projects meet affordability guidelines. Alternatively, developers can pay a fee to the city.

New York City and Seattle passed similar requirements earlier this year.

The Los Angeles initiative goes a step further, however. It also sets wage standards for the projects.

Developers must pay construction wages on par with those required for public-works projects, hire 30% of the workforce from within city limits, set aside 10% of jobs for certain disadvantaged workers living within 5 miles of the project and ensure 60% of

Tight Supply

Unsold housing inventory in Los Angeles County

20 months of housing supply



Source: California Association of Realtors
THE WALL STREET JOURNAL.

workers have experience on par with graduates of a union apprenticeship program.

The mandates could double the hourly wage for some construction trades compared with state median wages. The pay for a carpenter, for example, could rise to \$55.77 an hour from \$26.16, according to an economic analysis sponsored by opponents of the initiative.

Supporters say those wage differentials are inflated. And some developers will be less affected by the change. Those who build primarily affordable housing, using government subsidies, already must pay higher wages. Developers of large high-rise projects, meantime, often use union work crews.

The measure was backed in part by the Los Angeles County Federation of Labor, a union group, which argued the city needed an alternative to developers who were “paying poverty wages and pushing people out of the city.”

Laura Raymond, who led the campaign backing the initiative, said builders receive a financial benefit in the form of zoning changes. “There’s some value that needs to be given back to the community in the form of affordable units and wage standards,” she said. Ms. Raymond works with the Alliance for Community Transit-Los Angeles, which promotes “smart growth” and affordable housing near transit hubs.

But developers said the combination of elevated wages and additional requirements for below-market-rate housing would prevent projects from being built at all. That would worsen housing-supply shortages in one of the nation’s most expensive regions.

“It’s already a lot of brain damage and work for a project to go through in L.A.,” said Paul Habibi, a professor at UCLA’s Anderson School of Management who also develops and invests in apartments in the city. “It’s really only going to stifle the number of housing units built.”

Shawn Evenhaim, chief executive of Los Angeles developer California Home Builders, said he stopped purchasing land months ago that would fall under the new requirements, anticipating the initiative would pass. He has enough land to get him through the next two to three years, but after that he said he will have to look outside the city limits.

“There’s a huge shortage of housing in L.A., and a huge shortage of low-income housing,” he said. “They took that problem and made it worse.”

Mr. Evenhaim said he favors an existing state program that allows developers to add greater density in exchange for including affordable units—a program he believes is reasonable and doesn’t constrict the overall housing supply.

Research is mixed on whether affordable housing mandates restrict the overall supply of housing in an area. A San Jose State University study of California cities adopting such requirements in the mid-2000s found a notable decline in building permits after the rules were put in place, whereas other studies have found little or no effect on overall construction.

Policy makers typically view the process as a trade-off: In exchange for providing the affordable housing, cities allow developers to build more units than typically allowed. In theory, that would allow the developer to recoup some of the costs of providing the below-market units.

Ralph McLaughlin, chief economist at real estate tracker Trulia, said the wage requirements are the biggest wild card for Los Angeles.

“Those are additional costs that the developer must bear or pass down to the market-rate units,” he said. And while added density may give a developer more revenue, “it’s unclear whether that’s going to offset those higher labor costs.”

Write to Chris Kirkham at chris.kirkham@wsj.com

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Local governments hide public records, face few consequences

Miranda S. Spivack, The Center for Investigative Reporting 9:55 a.m. CST November 16, 2016



(Photo: Stephen R. Herm)

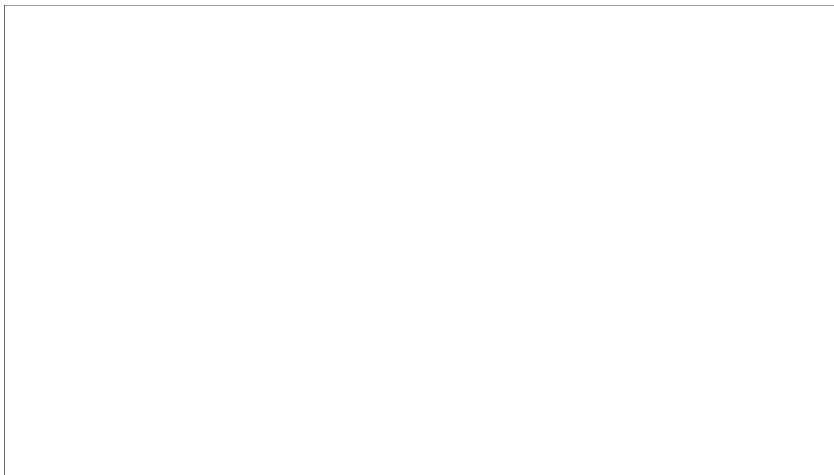
For more than three decades, Nick Maravell and his family farmed on a 20-acre plot in suburban Maryland, tucked between the Potomac River and megamansions in Potomac, a tony suburb that is home to powerful lobbyists, government contractors and other wealthy families.

Nick's Organic Farm, a relaxed place where customers would stop by to pick up some vegetables or simply drop in for a chat, was a tenant on land owned by the county public school system. But one day in 2011, Maravell got some bad news. Montgomery County's top elected official and his aides had been negotiating in secret (<http://wjla.com/news/political/soccer-fields-brickyard-coalition-accuses-leggett-of-hiding-records-75817>) to get the school board to kick out Maravell's farm and rent the site to a private soccer club.

"It caught everybody by surprise," said Curt Uhre, a neighbor.

Residents who cherished the farm quickly rallied (https://www.washingtonpost.com/local/education/montgomery-county-school-board-reclaims-farmland--to-build-soccer-fields/2011/03/18/ABrImZ3_story.html) to Maravell's side. Worried about traffic and the potential loss of open space, they began researching the county's proposal to convert the farm to soccer fields.

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During the legal fight, they also began learning about Maryland's open records law. Used frequently by journalists and business interests, the state's public records law allowed them to seek government documents — memos, officials' calendars and other items — that might offer clues to how the deal was done or hints about who had been speaking with whom, when the plans were hatched and why.

But when residents asked for those documents, they hit a wall: Montgomery County government officials said they could not find many emails, letters and calendars related to their search.

This seemed preposterous, so the residents took the only route available to them — they went to court. A skeptical county judge urged the government to look anew for missing documents. Officials soon managed to find most of what the residents had sought.

The details weren't pretty.

Documents showed that County Executive Isiah Leggett, a Democrat less than a year from his next election, had been pushing behind closed doors for the private soccer club to take over the site and attempting to pressure a reluctant school board, even though in theory he had no power over school system decisions.

The Maryland Open Meetings Compliance Board also found that the school board had violated the state's open meetings law (<http://www.marylandattorneygeneral.gov/Opinions%20OMCB%20Documents/Vol07/7omcb208.pdf>) (<https://www.oag.state.md.us/Opinions/Open2010/7omcb208.pdf>) by discussing the lease deal in closed session.

Patrick Lacefield, Leggett's spokesman, sees the dispute differently. "The issue was not transparency," he wrote in an email. "That was a ruse to advance the substance of those opposed to the project — that they opposed using public land located near their exclusive neighborhood so that kids, including disadvantaged kids, could have a place to play soccer."

The battle over the fate of the farm spanned two years and cost the residents at least \$100,000 in legal fees, Uhre said. Was the county's failure to provide key information to the public due to lack of knowledge of the state's open meetings law? Sloppy recordkeeping? Deliberate obfuscation? It was impossible to tell.

This expensive, drawn-out dispute was over a single plot of land and some soccer fields. But the story of Nick's Organic Farm is far from unique. The same thing is happening across the United States.

While much media attention is focused on federal government secrecy, secretive practices of state and local governments often get less scrutiny but frequently have a more immediate impact on communities.

Details of emergency management plans that would inform residents how their government will operate in a hurricane, earthquake or other catastrophic event can be hidden in the name of national security. Information about an unplanned shutdown at the nuclear plant up the road can be delayed or kept secret. Should residents be able to learn who has guns in their neighborhood, information that most states have in recent years decided to make off-limits to the public? Should police videos be kept out of the public's hands in the name of privacy?

There are no definitive national studies of the scope of state and local secrecy, but the studies, surveys and anecdotal evidence that do exist strongly suggest state and local government secrecy has increased in the past 10 years. While there are many reasons for this, it has coincided with a decline in local news coverage, technological advances that governments haven't been able to afford and an increase in outsourcing of government functions to private entities.

Whatever the causes, lack of transparency by state and local governments can discourage civic discourse and grass-roots engagement with government, as a frustrated public often simply gives up after struggling but failing to find out what is going on close to home.

Robert J. Freeman, executive director of New York's publicly funded Committee on Open Government, one of few such agencies in the country, says U.S. jurisdictions have fallen behind countries such as Estonia, Mexico and Peru in sharing records and keeping public meetings public.

"You need a government champion who works independently to make the laws work," he said. But few governments in the U.S. have them. In many states, the only way to pry loose information is to file a lawsuit.

The rise in government secrecy carries a big cost. When governments have to defend lawsuits or other proceedings challenging their practices, the public bears the expense. When governments fail to post documents on a website and instead respond to repeated queries from the public by photocopying the same material again and again, there is waste. Perhaps most significantly, lack of transparency poses a major risk to good government: When the public is shut out and information is hard to get, governments can mask poor practices, corruption, waste, fraud and abuse.

State and local secrecy takes many forms. Some communities fail to provide budget information that is clear and easy to understand, or they list contracts but don't explain why they were awarded. Others try to charge excessive fees for information – sometimes millions of dollars. as the Massachusetts State Police did to a lawyer seeking information about drunken driving tests – hire outside companies to supply data at extraordinary prices or evade open meetings laws by creating small subcommittees that they claim are exempt from the statutes.

Many state and local governments cite national security to withhold information. This means that something relatively simple, such as finding out who is getting a contract to clean the offices at a local nuclear power plant, can become a ridiculously expensive legal battle.

This database offers a view of each states open records
and open meetings laws

<http://projects.jsonline.com/apps/state-secrets/>

Interactive: State Secrets | Open records laws across the nation

<http://projects.jsonline.com/apps/state-secrets/>

When members of the public seek information – such as the residents who wanted to find out why Nick's Organic Farm was being evicted — they often bump into impenetrable walls. Information laws in many states are weak, enforcement by governments is limited and appeals are difficult.

Many states have no meaningful internal appeal system, often forcing anyone who wants to appeal to head to the courthouse, which for many people is a fight that becomes out of their financial reach. Among the exceptions are Connecticut, Florida and New York where someone denied information may have an opportunity to appeal



administratively and, in many instances, without cost. Maryland recently [changed its laws](http://www.marylandattorneygeneral.gov/OpenGov%20Documents/Summary_PIA_Provisions.pdf) (http://www.marylandattorneygeneral.gov/OpenGov%20Documents/Summary_PIA_Provisions.pdf) to include a state ombudsman for public information who is supposed to help those seeking government information, without charging fees to do so.

Courts sometimes have enabled state and local secrecy. [The U.S. Supreme Court said in 2013](https://www.supremecourt.gov/opinions/12pdf/12-17_d1o2.pdf) (https://www.supremecourt.gov/opinions/12pdf/12-17_d1o2.pdf) that the Virginia government – and other states, if they choose to – had to provide public information only to state residents. That left thousands of businesses around the world – large and small – scrambling to stay informed about state regulations, contracts and other necessities. And reporters from news organizations outside the state are forced to find local reporters to file requests for information vital to their investigations.

The events of 9/11 caused new retrenchment on openness. [The League of Women Voters in 2006 found](http://lwv.org/files/LWVEF_Looking4Sunshine_bw.pdf) (http://lwv.org/files/LWVEF_Looking4Sunshine_bw.pdf) that there was a “growing difficulty” in gaining access to public information, much of it justified as “critical to protect homeland security.” And the National Freedom of Information Coalition, in more recent surveys, [has found](http://www.nfoic.org/2013-nfoic-mlrc-open-government-survey-showed-troubling-trends-transparency) (<http://www.nfoic.org/2013-nfoic-mlrc-open-government-survey-showed-troubling-trends-transparency>) “a greater inclination among government officials for gaming the system than complying with existing disclosure and accountability laws.”

There are many examples of what the coalition believe is gaming the system.

As he was poised to launch his campaign for president in 2015, Wisconsin Gov. Scott Walker hatched a plan with Republican colleagues to drastically reduce public access to state government documents and emails in a state with a long history of government transparency. Initially Walker denied that the idea originated in his administration, but emails obtained through open records requests by news organizations in the state revealed that Walker had misled the public about his administration's key role.



[MEDIUM](https://medium.com/obrienfellowship/how-an-underfunded-lead-poisoning-surveillance-system-failed-flint-ab3af07439e5)

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[Massachusetts State Police demanded \\$2.7 million](https://www.bostonglobe.com/metro/2015/07/18/often-national-leader-massachusetts-ranks-near-bottom-government-transparency/HfjFvRd4RJI6QYIHBAobEP/story.html) (<https://www.bostonglobe.com/metro/2015/07/18/often-national-leader-massachusetts-ranks-near-bottom-government-transparency/HfjFvRd4RJI6QYIHBAobEP/story.html>) to retrieve documents when a lawyer asked for data on breath alcohol tests. In Tennessee, a state board created to assess state transparency regulations [held meetings in secret](http://story/news/2015/03/08/open-meetings-laws-apply-tn-transparency-panel/24612185/) ([/story/news/2015/03/08/open-meetings-laws-apply-tn-transparency-panel/24612185/](http://story/news/2015/03/08/open-meetings-laws-apply-tn-transparency-panel/24612185/)). In Maryland, the same county government that thwarted residents in the Nick's Organic Farm case [asked a resident to pay more than \\$58,000 for information](https://www.washingtonpost.com/local/md-politics/montgomery-officials-say-wheaton-activist-is-asking-a-58000-question/2015/03/25/77692bf6-d23a-11e4-8fce-3941fc548f1c_story.html) (https://www.washingtonpost.com/local/md-politics/montgomery-officials-say-wheaton-activist-is-asking-a-58000-question/2015/03/25/77692bf6-d23a-11e4-8fce-3941fc548f1c_story.html) about a public library project.

As for Maravell, he eventually moved out, having decided the future in Potomac was too uncertain. In late 2015, Montgomery County officials contemplated a new proposal for the site – a solar farm on the fields Maravell once cultivated. But the neighbors geared up again, ready to do battle. This time, it took the county only a few months to [drop its plans](http://www.bethesdamagazine.com/Bethesda-Beat/Web-2016/School-System-Abandoning-Plans-for-Solar-Panel-Fields-Including-at-Brickyard-Site-in-Potomac/). (<http://www.bethesdamagazine.com/Bethesda-Beat/Web-2016/School-System-Abandoning-Plans-for-Solar-Panel-Fields-Including-at-Brickyard-Site-in-Potomac/>)

Digital era introduces new problems



Megan Rhyne, the executive director of the Virginia Coalition for Open Government, spoke to the Virginia Professional Chapter of the Society of Professional Journalists on March 19 concerning the General Assembly and the Freedom of Information Act. (Photo: Alex Wiggins)

Technological advances have been a mixed bag for state and local government transparency. Megan Rhyne, who leads the Virginia Coalition for Open Government, said the digital era has ushered in new problems for governments that do try to make information more accessible.

"Electronic records have not made things easier," she said. "Local and state officials are drowning. There are copies floating all over the place, which on the one hand should make them easier to find, but on the other hand, it is harder, because they don't know who has it. They are trying new solutions for email management and trying to keep track of emails while not jamming their servers. Everyone thought that the digital age would make things easier, but it really hasn't."

In New Jersey, Rutgers University labor studies professor Janice Fine sought state data about a range of government functions, only to find that it existed but wasn't in any useful form.

"It was impossible to disaggregate data," she said, making it impossible to look for trends or patterns of spending when she was investigating contracting and labor practices.

Many governments are struggling to capitalize on the digital age. Overwhelmed by data, they cannot centralize information, ensure that it is understandable and struggle to make it public even when they want to. Often, agencies in the same government have purchased different software and hardware and are unable to produce datasets or lists of contracts that include the entire government.

Many governments, especially smaller municipalities or townships, don't have enough bandwidth to allow them to post data and documents. And if they are able to post information, it can be fairly useless — a list of numbers or dollar values with little to no explanation of what they represent.



Dr. Janice Fine, associate professor of Labor Studies and Employment Relations at Rutgers University, testifies on Capitol Hill in Washington, Wednesday, March 12, 2014, before the Senate Housing, Transportation, and Community Development subcommittee hearing on Supersorm Sandy relief. (Photo: Associated Press)

“It’s not always intentional,” Fine said.

That often leaves government officials erring on the side of withholding information.

“When in doubt, leave it out,” is the way that Thomas Susman, an American Bar Association official, describes this tendency. Susman, as a top aide to then-U.S. Sen. Edward M. Kennedy (D-Mass.), helped shepherd expansion of the federal Freedom of Information Act through Congress when it was amended in 1974.

Tight budgets often are used as a rationale for limiting state and local transparency. In California — where there is a state constitutional right to public access, but also a constitutional right to privacy — the Assembly in 2013 pushed to exempt local governments from disclosure rules because of tight budgets. (<https://sunlightfoundation.com/blog/2013/06/19/what-does-california-have-against-transparency-in-local-government/>) A year later, voters approved a ballot measure (<http://www.kpbs.org/news/2014/jun/03/proposition-42-passes-tuesday/>) that required local governments to comply with open records regulations.

As public education has become privatized with the rise of charter schools, information about the publicly funded schools has become difficult to obtain, said Lisa Graves, a former Justice Department official who leads a Wisconsin-based nonprofit looking at charters.

In Arizona, for instance, the state has set up nongovernmental nonprofit entities to oversee the charters, immediately putting off-limits for at least a year any information about staffing, salaries, contracts and other information that public school systems usually are required to disclose, she said. (Some of the information is available a year later in the nonprofits’ IRS Form 990 filings.)

Little enforcement of open records laws

Only a handful of states in the U.S. have any reliable system for enforcing their own open meetings and open records laws. Most rely on private parties to press for enforcement.

Too often, it is the community activist whose interest in government information is sparked by a local fight – over development, schools, traffic or crime – who bears the burden and cost of trying to enforce those laws.

Data from the John S. and James L. Knight Foundation (http://www.knightfoundation.org/media/uploads/publication_pdfs/KF-editors-survey-final_1.pdf) show journalists’ efforts to battle these issues are diminishing and it often is residents who are engaging in the fights. Local and state enforcement is complaint-driven: Attorneys General aren’t trying to enforce these laws, only responding to complaints.

The University System of Maryland Board of Regents, which got into trouble in 2013 for holding illegal closed-door sessions (https://www.washingtonpost.com/local/education/board-finds-u-md-regents-broke-open-meetings-law-in-big-ten-talks/2013/02/28/4b6f2380-81c3-11e2-a350-49866afab584_story.html) on a proposed move of its flagship campus to the Big Ten athletic conference and offered many mea culpas,

apparently isn't eager to change its ways. Earlier this year, the board tried to get the state General Assembly to make it easier to meet in secret, a move that was ignored by major news organizations but chronicled by the campus's student newspaper (<http://www.dbknews.com/2016/03/28/usm-board-of-regents-closed-meetings/>). The proposed legislation died in Annapolis.

In Texas, several city councils conducted business by email, claiming they had privacy protections under the First Amendment. The U.S. Court of Appeals for the 5th Circuit in 2012 upheld a local statute that criminalized violations of the open meetings law (<http://www.ca5.uscourts.gov/opinions%5Cpub%5C11/11-50441-CV0.wpd.pdf>), saying that "there is reason to think that the First Amendment does not protect the right of government officials to deliberate in private, given that it sometimes requires them to open their proceedings to the public."



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Public contracts shrouded in secrecy

(<http://www.jsonline.com/story/news/special-reports/2016/11/16/public-contracts-shrouded-secrecy/93585908/?from=global&sessionKey=&autologin=>)

Lawmakers had complained that it was impinging on their First Amendment rights to speak freely (and in private).

In San Jose, California, resident Ted Smith filed a public records request seeking information about a downtown development project partly funded with public money. The city turned down his request for official emails because the mayor and council members had sent them on their personal accounts. Smith sued, and the case is now before the California Supreme Court. In San Diego, Donna Frye, a former city council member, is working to win support for a ballot measure that would make city officials' texts, emails and other correspondence on private phones, tablets and other personal devices public information.

Oklahoma's public university regents set up small subcommittees that don't equal a quorum – allowing them to meet behind closed doors. Officials at the University of Kentucky, who are balking at releasing information about a completed sexual assault investigation implicating a now-former faculty member, in August announced that they were suing the university's student newspaper (<http://www.cnn.com/2016/09/01/us/university-of-kentucky-sues-student-newspaper-sexual-assault/>) to try to prevent disclosure. The state attorney general had ordered disclosure of most documents, and the university can appeal that ruling only by going to court against the student newspaper.

In Oklahoma, journalism professor Joey Senat has urged local prosecutors to do more to file complaints against government wrongdoers, but he says that too often, their fear of offending fellow government agencies makes them reluctant to move on a violation that is only a misdemeanor.

"We have asked the DA to press charges, but they rarely do," he said. As for public universities, Senat said the situation in Oklahoma is far from unique. "Public universities across the country don't seem to understand what that means to be a public university," he said.

Police body cameras: Whose footage is it?

One more critical issue is bedeviling open records advocates and the government.

Across the country, thousands of police officers have begun to wear body cameras to record their actions — but in many communities, there are fierce debates about whether the video footage should be public and who actually controls the footage. In most cases, Axon, a Taser company, has control of the footage. Axon body cameras are used by many major city police departments, including Cleveland; Fort Worth, Texas; Los Angeles and Philadelphia,

In North Carolina, the governor in July signed a law excluding body camera footage from the public record (<http://www.newsobserver.com/news/politics-government/state-politics/article88985782.html>). New Hampshire, Minnesota and Louisiana also recently passed laws (<https://www.rcfp.org/browse-media-law-resources/news/more-states-set-privacy-restrictions-bodycam-video>) restricting public access to such footage. At least 19 states and the District of Columbia (<http://www.cnn.com/2016/09/27/us/states-with-police-body-camera-footage-laws/>) have enacted laws limiting access to law enforcement video footage.

Sarah Lustbader, a former Bronx, N.Y. public defender who is examining police policies about who gets access to body and dashboard camera footage, said the cameras have morphed into a tool for police protection instead of a means for the public to get a clearer understanding of incidents.

"We were told these body cameras would help prevent some of the police abuses we have seen over and over again," she said. "Instead, the federal government, which has poured a lot of money into body cameras, has put (control of) the programs into the hands of the party they were supposed to be a check on."

"I know of no jurisdictions where police do not have custody and control of their footage," she said. "Body camera footage has become an evidence tool for police, not a tool for police accountability."

Dan Bevarly, interim executive director of the National Freedom of Information Coalition at the University of Missouri, said residents increasingly must help fill in the gaps. But he said it's unclear whether many communities can engage in efforts such as those in Potomac, Maryland, where a sophisticated and expensive legal battle helped give organic farmer Nick Maravell a reprieve.

"As the media disappears from public meetings, will the citizens step up?" Bevarly asked.

Miranda S. Spivack, a former Washington Post editor and reporter, is the Pulliam Distinguished Visiting Professor of Journalism at DePauw University. Funding for this story is from Marquette University's O'Brien Fellowship in Public Service Journalism and The Fund for Investigative Journalism.

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